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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 KEBBA CAMARA,

12 Petitioner,

No. C08-1327 MJP

13 v.

14 A. NEIL CLARK,

Respondent.

ORDER ADOPTING REPORT &  
RECOMMENDATION AND  
DENYING PETITION FOR BAIL  
HEARING OR BOND REDUCTION


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18 This matter comes before the Court on a Report and Recommendation<sup>1</sup> (Dkt. No. 18) by  
19 Magistrate Judge Brian Tsuchida on Respondent's motion to dismiss Mr. Camara's "Petition for  
20 Bail Hearing Pursuant to Kim v. Zigler." (Dkt. No. 11.) Judge Tsuchida has recommended granting  
21 the motion. Having reviewed the motion, the Report and Recommendation, Petitioner's additional  
22 filings, including a second request for bond reduction (Dkt. Nos. 19-21), and the balance of the  
23 record, the Court ADOPTS the Report and Recommendation and GRANTS Respondent's motion to  
24 dismiss.

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26 <sup>1</sup>The Court hereby corrects the statement in Judge Tsuchida's Report & Recommendation that  
"ICE will remove petitioner to Mexico or release him" once his legal proceedings are complete. (Dkt.  
No. 18 at 6.) Because Petitioner Camara is a citizen of Gambia, he will likely be removed to Gambia,  
not Mexico.

1 Mr. Camara's petition challenges his detention by the U.S. Immigration and Customs  
2 Enforcement ("ICE") during the pendency of his removal proceedings. (Dkt. No. 1.) Mr. Camara  
3 requests a bail hearing before this Court, but the Attorney General's decision to set Mr. Camara's  
4 bond at \$16,000 is not subject to judicial review. Prieto-Romero v. Clark, 534 F.3d 1053, 1058 (9th  
5 Cir. 2008) (citing 8 U.S.C. § 1226(e)). Neither is Mr. Camara's detention "indefinite" or  
6 "potentially permanent" as was found improper in Zadvydas v. Davis, 533 U.S. 678 (2001). For  
7 these reasons, the Court must deny Mr. Camara's request for a bail hearing (Dkt. No. 1) and his  
8 request for bond reduction (Dkt. No. 21). Respondent's motion is granted and this case is hereby  
9 DISMISSED with prejudice.

10 The Clerk is directed to send copies of this order to all counsel of record and to send a copy  
11 by mail to Petitioner. The Clerk is also directed to respond to Mr. Camara's request for "lawsuit  
12 forms" (Dkt. Nos. 19 & 20) by mailing him the standard complaint form for a § 1983 claim.

13 Dated: February 12, 2009

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16 Marsha J. Pechman  
17 U.S. District Judge  
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